

FACTSHEET

TITLE: **ANNEXATION NO. 06003**, requested by Tom and Betty King, to annex approximately 2.5 acres, more or less, generally located at the northwest corner of North 14th Street and Fletcher Avenue.

STAFF RECOMMENDATION: Approval, subject to an Annexation Agreement.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: Consent Agenda: 03/15/06
Administrative Action: 03/15/06

RECOMMENDATION: Approval, subject to an Annexation Agreement (8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes').

FINDINGS OF FACT:

1. The applicant is requesting annexation of this 2.5 acre tract of land in order to hook up to city water.
2. The staff recommendation to approve the annexation request is based upon the "*Analysis*" as set forth on p.3-4, concluding that the proposed annexation complies with the annexation policy of the Comprehensive Plan, provided that the owner enters into an Annexation Agreement with the City.
3. On March 15, 2006, this application appeared on the Planning Commission Consent Agenda and was opened for public hearing. No one came forward to speak.
4. On March 15, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval, subject to an Annexation Agreement.
5. The applicants have not signed the Annexation Agreement because they are opposed to donating land for right-of-way along North 14th Street, which is being requested by the City (See, p.13). The City intends to improve this section of North 14th Street in the future. The current right-of-way tapers from 60 feet to the centerline at the intersection of North 14th and Fletcher to 33 feet at the northeast corner of the lot. Public Works is asking that about 6,000 square feet of land be dedicated to establish 60 feet along the frontage of this lot, to avoid needing to pay for this right-of-way in advance of road construction. The applicants do not wish to dedicate right-of-way unless and until they decide to subdivide the lot.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: May 8, 2006

REVIEWED BY: _____

DATE: May 8, 2006

REFERENCE NUMBER: FS\CC\2006\ANNEX.06003

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for MARCH 15, 2006 PLANNING COMMISSION MEETING

PROJECT #: Annexation #06003

PROPOSAL: Application by Tom and Betty King to annex approximately 2.5 acres at the northwest corner of N. 14th St. and Fletcher Ave.

LOCATION: N. 14th St. and Fletcher Ave.

LAND AREA: 2.5 acres, more or less

CONCLUSION: This proposed annexation is voluntary and at the request of the property owner. This request complies with the annexation policy of the 2025 Comprehensive Plan provided the owner enters into an annexation agreement with the City of Lincoln.

RECOMMENDATION:

Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: The south 378' of the east 290.4' of Lot 4, Garden Valley, except that portion sold to the State of Nebraska and Fletcher Ave. adjacent there to.

EXISTING ZONING: AG-Agricultural

SURROUNDING LAND USE AND ZONING:

North:	AG-Agricultural	Single-family houses on acreage lots.
South:	AG-Agricultural	Single-family houses on acreage lots.
East:	R-5-Residential	Townhouse development
West:	AG-Agricultural	Single-family houses on acreage lots

EXISTING LAND USE: Single family home on acreage lot.

COMPREHENSIVE PLAN SPECIFICATIONS:

The Land Use Map of the 2025 Comprehensive Plan identifies the proposed annexation area as Urban residential. (F-23)

The proposed annexation area is inside the future service limits and within Tier One Priority A. (F-31)

The provision of municipal services shall coincide with the jurisdictional boundaries of the City—in short, it is not the intent of the City of Lincoln to extend utility services (most notably, but not necessarily limited to, water and sanitary sewer services) beyond the corporate limits of the City. (F-154)

The extension of water and sanitary sewer services shall be predicated upon annexation of the area by the City. City annexations shall occur before any property is provided with water, sanitary sewer, or other potential City services. (F-154)

Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or

otherwise outline the phasing, timing or installation of utility services (e.g. water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area. (F-154,155)

UTILITIES & SERVICES:

- A. **Sanitary Sewer:** The proposed annexation area is presently not served by public sanitary sewer. There is no sanitary sewer in N. 14th St. or Fletcher Ave. abutting this property.
- B. **Water:** There is an existing 24" main in N. 14th St. and a proposed 24" main in Fletcher Ave. abutting this property. Neither main is tappable. The subject property can be served from a 6" connection from a fire hydrant connected to a 24" water main.
- C. **Roads:** N. 14th St. and Fletcher Ave. are two-lane asphalt county roads. N. 14th St. is classified "minor arterial" and Fletcher Ave. is classified "urban collector" in the 2025 Comprehensive Plan. N. 14th St. is shown as a proposed project in the Comprehensive Plan, but is not shown in the six-year CIP. The owner shall dedicate right-of-way for a total of 70' from center line along N. 14th St. as a condition of annexation. Current right-of-way from center line along N. 14th St. is 33 feet.
- D. **Parks and Trails:** There is a proposed trail along the west side of N. 14th St.
- E. **Fire Protection:** Fire protection is currently provided by the Raymond Rural Fire Department.

ANALYSIS:

- 1. This annexation request includes a tract of land, approximately 2.5 acres, located at N. 14th St. and Fletcher Ave. The applicant is requesting annexation in order to hook up to city water. The applicants letter states that the existing well water is very bad.
- 2. The proposed annexation area is contiguous to the City limits. Stone Bridge Creek subdivision is located on the east side of N. 14th St. and Hartland's Garden Valley subdivision is located to the north and west of this annexation.
- 3. Water service for this property initially will be served from a 6" connection from a fire hydrant connected to a 24" water main. The fire hydrant is located on the east side of N. 14th St. The well servicing the house will be abandoned. The owner will be required to connect to an abutting tappable size main when one is available abutting this property.
- 4. The owner will be required to enter into an annexation agreement with the City of Lincoln, acknowledging that sanitary sewer is not available and that additional right-of-way along N. 14th St. is required.
- 5. Annexation policy:

! Land which is remote from the limits of the City of Lincoln will not be annexed;

land which is contiguous and generally urban in character may be annexed; and land which is engulfed by the City should be annexed.

- ! Annexation generally implies the opportunity to access all City services. Voluntary annexation agreements may limit or otherwise outline the phasing, timing or installation of utility services (i.e., water, sanitary sewer) and may include specific or general plans for the private financing of improvements to the infrastructure supporting or contributing to the land uses in the annexed area.
- ! Plans for the provision of services within the areas considered for annexation should be carefully coordinated with the Capital Improvements Program of the city and the county."

CONDITIONS:

1. The owners will enter into an annexation agreement with the City of Lincoln.

Prepared by:

Tom Cajka
Planner

DATE: March 1, 2006

APPLICANT: Thomas & Betty King
6007 N. 14th St.
Lincoln, NE 68521
(402) 438-6005

OWNER: same as applicant

ANNEXATION NO. 06003

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

March 15, 2006

Members present: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson.

The Consent Agenda consisted of the following items: **CHANGE OF ZONE NO. 06013; SPECIAL PERMIT NO. 1771A; SPECIAL PERMIT NO. 06010; COUNTY SPECIAL PERMIT NO. 06007; COMPREHENSIVE PLAN CONFORMANCE NO. 06002; ANNEXATION NO. 06003; and STREET AND ALLEY VACATION NO. 06001.**

Ex Parte Communications: None.

Items No. 1.1, Change of Zone No. 06013, and 1.4, County Special Permit No. 06007, were removed from the Consent Agenda and had separate public hearing.

Larson moved approval of the remaining Consent Agenda, seconded by Strand and carried 8-0: Sunderman, Strand, Esseks, Krieser, Taylor, Larson, Carroll and Carlson voting 'yes'.

Note: This is final action on Special Permit No. 1771A and Special Permit No. 06010, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days following the action by the Planning Commission.



Annexation #06003 N. 14th & Fletcher Ave.

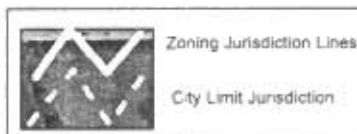
2005 aerial

Alvo Rd

Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 35 T11N R6E



FEE \$ 1.00 (one dollar per parcel)

NO. 734

SE $\frac{1}{4}$, SEC. 35 T. 11 N., R. 6 E.

APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

LEGAL DESCRIPTION OF PROPERTY THE EAST 290.2' OF THE SOUTH 225'
OF LOT 4, BLOCK 4, GARDEN VALLEY

in Lancaster County, Nebraska

DESCRIPTION OF PARCELS CREATED:

DESCRIPTION KEY: Parcel numbers are not to be used for legal descriptions.

PARCEL 1 THE EAST 290.2' OF THE SOUTH 225' OF LOT 4, BLOCK 4, GARDEN
VALLEY, EXCEPT THAT PORTION SOLD TO THE STATE OF NEBRASKA

PARCEL 2

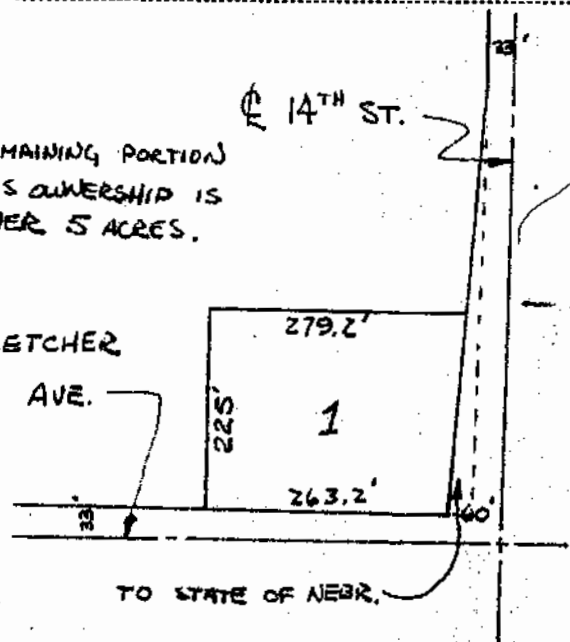
PARCEL 3

PARCEL 4

N
↑
NO SCALE

NOTE: REMAINING PORTION
THIS OWNERSHIP IS
OVER 5 ACRES.

FLETCHER
AVE.



APPROVED THIS 22 DAY OF Nov. 1965

1. CITY OF LINCOLN, AND ITS CITY COUNCIL
D.E. BROGDEN BY Rogers P. Harris
PLANNING DIRECTOR

—OR—

2. LANCASTER COUNTY, AND
ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD

COUNTY SURVEYOR

PLANNING DIRECTOR

I HEREBY CERTIFY THAT THE ABOVE
STATEMENTS ARE CORRECT

X. B. H. Foster

OWNER

ADDRESS

007

FEE \$ 1.01 (one dollar per parcel)

NO. 337

SE 1/4, SEC. 35 T. 11 N., R. 6 E.

APPLICATION FOR SUBDIVISION PERMIT

TO THE LINCOLN CITY—LANCASTER COUNTY PLANNING DEPARTMENT

The undersigned hereby applies for a permit to subdivide the following described parcel of land:

LEGAL DESCRIPTION OF PROPERTY THE NORTH 153' OF THE SOUTH 378' OF THE EAST 290.4' OF LOT 4, BLOCK 4, GARDEN VALLEY, EXCEPT THAT PART
DEDICATED TO THE STATE OF NEBRASKA in Lancaster County, Nebraska

DESCRIPTION OF PARCELS CREATED:

DESCRIPTION KEY: Parcel numbers are not to be used for legal descriptions.

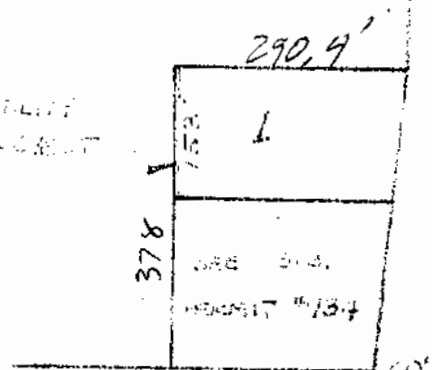
PARCEL 1 THE NORTH 153' OF THE SOUTH 378' OF THE EAST 290.4' OF LOT 4,
BLOCK 4, GARDEN VALLEY, EXCEPT THAT PART DEDICATED TO THE
PARCEL 2 STATE OF NEBRASKA

PARCEL 3 _____

PARCEL 4 _____



153'
378'



APPROVED THIS 13TH DAY OF JULY 1947

1. CITY OF LINCOLN, AND ITS CITY COUNCIL
DE. Sargent
PLANNING DIRECTOR

—OR—

2. LANCASTER COUNTY, AND
ITS COUNTY BOARD

CHAIRMAN, COUNTY BOARD

COUNTY SURVEYOR

I HEREBY CERTIFY THAT THE ABOVE
STATEMENTS ARE CORRECT

OWNER

008

February 7, 2006

Lincoln Planning Dept

RE: Getting annexation in to the city of Lincoln

To Whom It May Concern:

We are asking to be annexed into the city of Lincoln so we can hook up to the cities water service. We have a well and the water is very bad. We have to bottle our water all the time. It is very high in iron. Tom has spoken to some people in the water dept. and explained how easy it would be to hook up to the cities water service that was just put in across the street from our house.

Thank you for your concern on this matter.



Betty King

M e m o r a n d u m

To: Tom Cajka, Planning Department

From: Dennis Bartels, Engineering Services

Subject: Proposed Annexation - King Property, 14th and Fletcher

Date: March 1, 2006

cc: Nick McElvain
Steve Masters
Randy Hoskins
Rick Peo

The proposed annexation of the King property at the northwest corner of 14th and Fletcher was requested to enable the property to be served by city water to the existing single residence on this property. I have discussed this in concept with Lincoln Water System and we have tentatively agreed that this property could be served from a 6" connection from a fire hydrant connected to a 24" water main. This typically would not be allowed but assuming that future redevelopment will happen with local street and a tappable size water main not in 14th or Fletcher, this would be an acceptable interim way to provide water service until urban type development occurred. With this background, we would recommend approval of an annexation and providing water service until the following conditions:

1. Agree that the service to serve the existing use is non-abutting and that the proposed service will be abandoned and will reconnect to an abutting tappable size main when one is available abutting this property.
2. Acknowledge that this property has not paid for any portion of the existing 24" water main in 14th or the proposed 24" main in Fletcher abutting this annexation and that this property is liable for a future potential assessment for a tappable size main.
3. Agree that resubdivision of the annexed area will require each lot, including a lot for the existing, to be served by an abutting tappable water main.
4. Acknowledge that the area to be annexed is not presently served by public sanitary sewer (although the annexed area is in an area that can be served).
5. Additional right-of-way is needed along the 14th Street frontage of this annexation. Public Works requests that dedication be required as a condition of annexation.

**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Tom Cajka	DATE: February 23, 2006
DEPARTMENT: Planning	FROM: Chris Schroeder
ATTENTION:	DEPARTMENT: Health
CARBONS TO: EH File EH Administration	SUBJECT: Annex #06003

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the annexation application with the following noted:

- LLCHD has no objection to this request.
- When the property is annexed, the owner will be required to obtain a biennial water well permit or decommission the existing well.
- If sanitary sewer is available within 300 feet, the LLCHD will require connection. Proper abandonment of the existing on-site wastewater treatment system will be required.



"Sgt. Don Scheinost"
<lpd798@CJIS.CI.LINCOLN.
NE.US>

02/10/2006 09:05 AM

To Tom Cajka <TCajka@ci.lincoln.ne.us>
cc
bcc
Subject N. 14th and Fletcher Avenue-Annexation # 06003

Mr. Cajka,

The Lincoln Police Department does not object to the N. 14th and Fletcher Avenue annexation, #06003.

Sergeant Don Scheinost, #798
Lincoln Police Department
Management Services Unit
(402) 441-7215
lpd798@ciis.ci.lincoln.ne.us

April 23, 2005

Lincoln City Counsel
555 S.10 Suite 213
Lincoln, Nebraska 68508

RECEIVED
APR 25 2006
CITY COUNCIL
OFFICE

RE: Annexation of 6007 N. 14st

Dear City Counsel:

I am writing in regards to getting annexed into the city limits. We are in full agreement of the offer to be annexed into the city except we are not willing to donate land for right-of-way along N.14 st. When we bought this place we paid more then it's worth, because of the beauty of the land south of the house. We are just a family living in this home. We are not making a profit off this land like the other land around us is doing. We made a reasonable counter offer of donating the land if we were to subdivide our land. At that point we would be making a profit not just living here. In time the way it sounds we will already be losing part of our land because the city wants to make 14th street four lanes with an island, sidewalks, and a bike path. All we are asking is to get city water; because our well water is to high in iron we cannot cook with it or even drink it. I don't understand why we, as just home owners that are being in convent because of progress of the City of Lincoln we have to sacrifice our land just to receive city water. I mean if we get annexation into the city we will pay the impact fee to tap into the water and pay higher taxes. Why would we have to hand over our land? Please reconsider your decision. All we want is to just keep our land and receive water that we could drink.

Please feel free to contact me at 430-5350 if you have any questions.

Thank you for your consideration of this matter.

Sincerely,

Tom and Betty King

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259060425-2 3-48